

REMARKS**STATUS OF CLAIMS**

This amendment responds to the final Office Action mailed January 27, 2009 and the personal interview on April 16, 2009. With this amendment, claim 25 is amended and withdrawn claims are canceled. Thus, claims 25-33 and 38 are pending.

INTERVIEW SUMMARY

On April 16, 2009, Examiners Julie Ha and Cecilia Tsang granted Applicants an interview to discuss the claim term, "formation index," and the Office's treatment of that term. During the interview, Applicants' counsel explained how the specification explained what the term meant and how the claims satisfied the requirements under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 102/103. Examiner Ha explained her reasoning in rejecting the claims. During the interview, it became clear that the Examiner's misinterpretation of the claim might be corrected by amending the claim to insert language clarifying the meaning of "formation index." The examiners suggested that amendments that clarified the meaning of the term would be considered and invited Applicants to submit proposed amendments by facsimile for discussion.

Following the interview, on April 23, 2009, Applicants submitted to Examiner Ha, by facsimile, a proposed amendment to claim 25, the entirety of which is shown in the present amendment to claim 25. Upon receipt and review of Applicants' proposal, Examiner Ha called the undersigned attorney to indicate that the proposed amendment had been considered and was acceptable. Examiner Ha further indicated that the withdrawn claims had been reviewed for possible rejoinder, but could not be rejoined.

This amendment is submitted in an effort to avoid the unnecessary payment of extension of time fees and makes the amendments that Applicants had agreed that Examiner Ha could make by Examiner's amendment.

Applicants sincerely appreciate the courtesies extended to the undersigned counsel during the interview and follow-up.

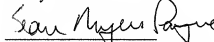
CLAIM REJECTIONS

Applicants maintain that the claims are not, and were not, rejectable under 35 U.S.C. § 112, first paragraph, or 35 U.S.C. § 102 or 103. Applicants respectfully submit that, with the present amendment, any remaining ambiguities have been resolved, and the claims are in condition for allowance.

CONCLUSION

Applicants respectfully request the Office reconsider and withdraw the rejections of record, and allow each of the pending claims. Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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